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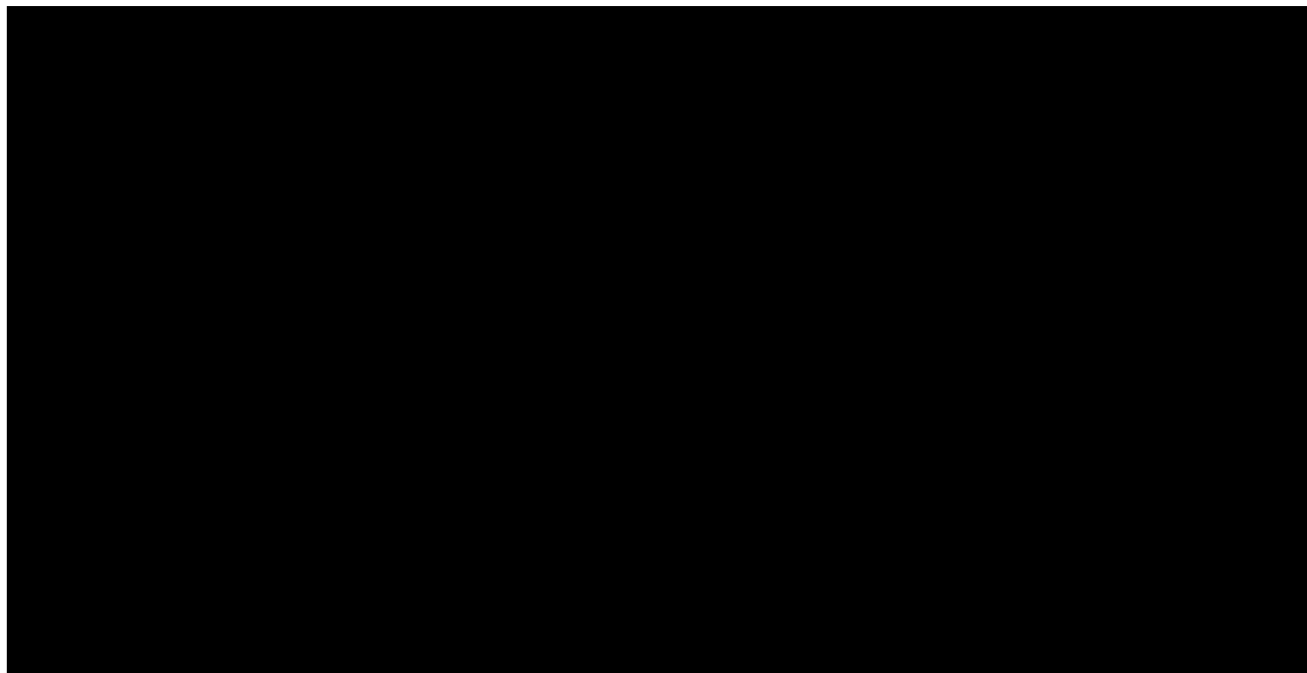
PPB 71-1290

AUG 1971

MEMORANDUM FOR: Legislative Counsel

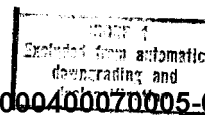
SUBJECT: O/PPB Comments on S 2251, S 2252 and S 2253

1. S 2251 would change present provisions in the Foreign Assistance Act of 1961 which permit the President to take certain actions with subsequent notice to Congress. Under the terms of this bill the President would be required to give prior notice to Congress. The present law does not impact on Agency operations and, therefore, the proposed change is not a matter of interest to us.



3. S 2253 would amend the Foreign Assistance Act of 1961 by adding a new section which prohibits any officer, employee or agency of the United States Government from using any appropriated funds to finance any military operation outside of the border of the country of the Government or person

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receiving such funds unless Congress specifically authorizes the making of funds available for such purposes and designates the areas where such cross border operations may take place. In requesting such authority, the President must provide Congress with a copy of the proposed agreement to be entered into, and complete details of the proposed military operation. The bill does not define military operations. Under the broadest possible interpretation enactment of this bill would require

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the collection of intelligence. In any case, enactment of this bill would seriously limit the range of Agency activities which could be undertaken without Congressional approval. The wisdom of establishing such a control is a matter for Executive decision. The bill does not flatly prohibit anything. It does establish Congressional control over cross border military operations. As such, it impinges on the President's role as Commander-in-Chief of the Armed Forces and on his responsibilities for national security.

John M. Clarke
Director of Planning,
Programming, and Budgeting

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